

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KEITH PAUL BIRD,

Plaintiff,

v.

JAMES DZURENDA, et al.,

Defendants.

Case No. 2:20-cv-02186-APG-EJY

ORDER

I. DISCUSSION

On September 24, 2021, I screened Plaintiff Keith Paul Bird's complaint and concluded that the complaint appeared to be duplicative of a complaint filed in a previous case. ECF No. 5 at 3-4. I ordered Bird to show cause in writing why this action should not be dismissed as duplicative of the previous case. *Id.* at 5. Alternatively, I gave Bird the option of filing a motion to voluntarily dismiss this action if Bird agreed that this action was duplicative of the previous case. *Id.*

Bird has now filed a motion for voluntary dismissal in which he alleges that the law library initiated this duplicative action without his knowledge. ECF No. 6. Under Federal Rule of Civil Procedure 41(a)(1), a plaintiff may dismiss an action without a court order by filing "a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment." Fed. R. Civ. P. 41(a)(1)(A)(i). I grant Bird's motion to voluntarily dismiss this action because no responsive pleading has been filed in this case.

II. CONCLUSION

For the foregoing reasons, I order that the motion for voluntary dismissal (ECF No. 6) is granted.

1 I further order that this action is dismissed in its entirety without prejudice.

2 I further order the Clerk of the Court to enter judgment accordingly and close this case.

3 I further order that Bird's application to proceed *in forma pauperis* (ECF No. 4) is denied
4 as moot.

5 DATED: November 1, 2021

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9 UNITED STATES DISTRICT JUDGE
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